

**Federal Defenders
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February 28, 2023

By ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, New York 10007

Re: *United States v. Ethan Phelan Melzer, S1 20 Cr. 314 (GHW)*

Dear Judge Woods:

We write respectfully to supplement our February 3, 2023 sentencing submission with a 2022 “Work Performance Rating” concerning Ethan Melzer’s job in food services at the MDC (attached as Ex. A). In our sentencing submission we observed that Ethan has endeavored to make the most of his time in pretrial detention. ECF No. 157 at 20. His performance review supports that contention. Ethan’s supervisor notes that Ethan is responsible for helping serve breakfast and dinner “for the entire institution” and says that Ethan “always has a positive attitude while working, and it rubs off on others around him because his peers enjoying working alongside” him. He adds that the “quality” of Ethan’s work “far exceeds expectation” and that Ethan “has become a valuable asset to the kitchen.” We ask that the Court consider this report at sentencing.

Respectfully submitted,

/s/ Jonathan Marvinny
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cc: Government counsel

EXHIBIT A

WORK PERFORMANCE RATING - INMATE

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate's Name: MELZER, ETHAN	Register No: 76447-054	Unit: GB
Evaluation Period: YEARLY RATING FOR 2022		
<p>Bonus Justification</p> <p>MR MELZER HAS BECOME A VALUABLE ASSET TO THE KITCHEN. HE GETS THE JOB DONE QUICKLY AND EFFICIENTLY, AND NEEDS MINIMAL SUPERVISION. HIS QUALITY OF WORK FAR EXCEEDS EXPECTATION. HE'S A VERY QUICK LEARNER, AND HELPS ME TRAIN NEW INMATES ON SAFE AND PROPER FOOD HANDLING. MR MELZER IS RESPONSIBLE FOR ASSISTING IN PUTTING TOGETHER THE BREAKFAST AND DINNER MEAL FOR THE ENTIRE INSTITUTION, AND DOES SO WITH NO MISTAKES. HE GETS THE JOB DONE QUICKLY AND EFFICIENTLY. MR MELZER ALWAYS HAS A POSITIVE ATTITUDE WHILE WORKING, AND IT RUBS OFF ON OTHERS AROUND HIM BECAUSE HIS PEERS ENJOY WORKING ALONGSIDE MR MELZER. MR MELZER ALWAYS SHOWS AN EAGERNESS TO WORK. MR MELZER VOLUNTEERS HIS FREE TIME IN THE KITCHEN EVEN WHEN HE IS NOT SCHEDULED TO WORK, JUST TO HELP OUT WHEREVER IT'S NEEDED. THANK YOU FOR ALL THE GREAT WORK YOU DO ON A DAILY BASIS MR MELZER, AND KEEP IT UP.</p>		

Signature and Date of Dept. Head Approval

Route to Dept. Head for Review, Then to Unit Team

Instructions: Check the best statement in each area. Base your rating on the inmate's overall performance for the rating period--neither the inmate's best day nor worst day--as compared to what is expected of a satisfactory worker in the assignment.

A. QUALITY OF WORK

- 1. Unsatisfactory. Makes more errors than should for this level of training. Work must be redone.
- 2. Fair. Careless; makes mistakes and does not check work. Should do better work.
- 3. Satisfactory. Makes some mistakes but no more than expected at this level.
- 4. Good. Makes fewer mistakes than most inmates at this level of training. Does Journeyman level work.
- 5. Outstanding. Does superior work

B. QUANTITY OF WORK

- 1. Unsatisfactory. Lazy, wastes time, goofs off.
- 2. Fair. Does just enough to get by. Has to be prodded occasionally.
- 3. Satisfactory. Works steadily but does not push self.
- 4. Good. Willing Worker. Does a full day's work and wastes little time.
- 5. Outstanding. Drives self exceptionally hard all the time.

C. INITIATIVE

- 1. Unsatisfactory. Always waits to be told what to do. Needs help getting started.
- 2. Fair. Usually relies on others to say what needs to be done.
- 3. Satisfactory. Can adapt to changes in routine. Will start work without waiting to be told.
- 4. Good. Can plan own work well. Acts on own in most things. Doesn't wait to be told what to do.
- 5. Outstanding. Has good ideas on better ways of doing things.

D. INTEREST; EAGERNESS TO LEARN

- 1. Poor. Shows no interest in job. Regards job as a drag or waste of time.
- 2. Fair. Shows minimal interest but not very eager to learn.
- 3. Satisfactory. Shows average amount of interest. Wants to learn own job but does not put forth extra effort.
- 4. Good. Above-average interest in job. Asks questions about own work and related work. May do extra work to improve skills.
- 5. Outstanding. Eager to master job. Wants to know everything there is to know about it. May read up on own time or volunteer to do things that will improve knowledge.

E. ABILITY TO LEARN

- 1. Poor. Has very low aptitude and is very slow to learn. Even when given extra instruction unable to learn. No matter how hard trying.
- 2. Fair. Slow but if tries eventually will pick up the skills. Needs more instructions than most.
- 3. Average. No slower and no faster to learn than most inmates. Requires average amount of instruction.
- 4. Good. Learns rapidly. Good memory. Rarely makes the same mistake twice.
- 5. Outstanding. Very quick to learn. Excellent memory. Is learning much more rapidly than most inmates assigned here. Never makes the same mistake twice.

F. NEED FOR SUPERVISION; DEPENDABILITY; SAFETY; CARE OF EQUIPMENT

- 1. Needs constant supervision. If left unsupervised will foul up, get in trouble, or wander off. Undependable.
- 2. Needs closer supervision than most. Not very dependable.
- 3. Average. Can be relied on for certain things but must be supervised by others. Usually prompt and dependable.
- 4. Needs little supervision. Good record of dependability and promptness.
- 5. No supervision required. Completely dependable in all things.

G. RESPONSE TO SUPERVISION AND INSTRUCTION

1. Poor. Resentful and hostile. May argue with supervisor.
 2. Fair. Resists or ignores suggestions.
 3. Satisfactory. Generally does what is told without any fuss.
 4. Good. No hostility or resentment. Tries to improve.
 5. Outstanding. Makes a real effort to please the instructor. Does exactly as is told.

H. ABILITY TO WORK WITH OTHERS

1. Poor. Negativistic, hostile, annoying to others.
 2. Fair. Doesn't make friends easily. Has some interpersonal difficulties.
 3. Satisfactory. Gets along OK with most co-workers and is accepted by them.
 4. Good. Friendly, congenial, helpful; others like to work with.
 5. Outstanding. Gets along well with everyone. Very popular.

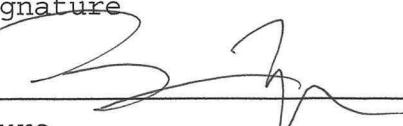
I. OVERALL JOB PROFICIENCY

Based on this inmate's overall performance during this work period, if this inmate was an employee of yours in the community would you:

1. Fire or lay off that individual?
 2. Transfer the person to a less demanding job at a lower pay scale?
 3. Continue to employ the person but without a raise or promotion this time?
 4. Raise the person's pay but keep the person at the same job?
 5. Promote the person to a more demanding job at a higher pay rate?

J. GRADES AND PAY

1. Performance Pay - Grade Class (Check one) 1 2 3 4 M.
 2. Hours of Satisfactory work 175.
 3. Regular Pay _____.
 4. Bonus Recommended: yes; no
 5. Total Pay _____.

Supervisor's Signature 	Date 2-2-2023
Inmate's Signature  X	Date 2-2-2023

Inmate _____ was requested to sign this rating, but refused, citing the following reason:

Staff Witness' Signature	Date
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